

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DESTINY RICHARDSON-GRAVES	:	
Plaintiff	:	No. 1:13-cv-525
	:	
v.	:	(Chief Judge Kane)
	:	
EMPIRE BEAUTY SCHOOL, <u>et al.</u>,	:	(Magistrate Judge Schwab)
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On April 2, 2013, Magistrate Judge Schwab issued a Report and Recommendation, recommending that Plaintiff's motion for leave to proceed in forma pauperis be granted, but that her complaint be dismissed without prejudice to her right to file an amended complaint. (Doc. No. 5.) Plaintiff did not object to the Report and Recommendation; instead, she filed an amended complaint and an addendum thereto.¹ (Doc. Nos. 6, 7.) Thus, the Court will adopt the Report and Recommendation dismissing Plaintiff's complaint. Because Plaintiff filed an amended complaint after Magistrate Judge Schwab issued her Report and Recommendation, the Court will refer the case to Judge Schwab for pretrial management and to conduct a screening of Plaintiff's amended complaint.²

¹ The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate's proposed findings and recommendations. In deciding whether to accept, reject, or modify a Report and Recommendation, a Court must make a de novo determination of those portions of the Report and Recommendation to which objection is made. 28 U.S.C. § 636(b)(1).

² A court must review the complaint of a plaintiff proceeding in forma pauperis prior to service of process under 28 U.S.C. § 1915(e). If the court determines that an action fails to state a claim on which relief may be granted, dismissal of that claim is required. 28 U.S.C. § 1915(e)(2)(B) (ii); see also id. § 1915A(b)(1).

ACCORDINGLY, on this 24th day of April 2013, **IT IS HEREBY ORDERED**

THAT:

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 5) is **ADOPTED**;
2. Plaintiff's complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** to her right to amend the complaint;
3. Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 2) is **GRANTED**; and
4. This case is **REFERRED** to Magistrate Judge Schwab for pretrial management, and to conduct a screening of Plaintiff's amended complaint (Doc. Nos. 6, 7).

/s/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania